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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 24 June 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General

I have the honour to submit to you the analysis of the formulation and implementation of international migration and development policies requested of Member States in General Assembly resolution 67/172 of 20 December 2012 (see annex). The analysis was prepared by the General Directorate for Migration and Aliens.

This report was prepared for inclusion in the final document of the United Nations General Assembly at its sixty-eighth session, concerning the protection of migrants.

(*Signed*) Marco A. **Suazo**
Deputy Permanent Representative
Chargé d'affaires a.i.

* A/68/50.

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Annex to the letter dated 24 June 2013 addressed to the Secretary-General from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations

Letter dated 6 June 2013 addressed to the Secretary of State of the Ministry of Foreign Affairs from the Director General of the General Directorate for Migration and Aliens on the formulation and implementation of migration and development policies

This is in response to your letter No. 570-DGAE-13 dated 30 May 2013, and submitted to Attorney Carlos Africo Madrid, Secretary of State in the Ministry of the Interior and Population, which forwarded to us the request of the United Nations General Assembly to the Secretary-General to submit to it a report containing an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies.

As a State party, Honduras is therefore requested to submit all relevant information relating to the implementation of General Assembly resolution 67/172 concerning the protection of migrants. In that regard, we wish to declare the following:

The General Directorate for Migration and Aliens is the entity mandated by law to regulate and ensure the functioning of the migration policy of the State; to monitor and authorize the entry and exit of Honduran and foreign nationals and the stay of foreign nationals in Honduran territory; and to issue immigration and travel documents.

The work of officials of the General Directorate for Migration and Aliens is currently governed by the Constitution of the Republic and the Act on Migration and Aliens, a legal instrument adopted by the National Congress of the Republic on 12 December 2003.

Article 59 of the Political Constitution of Honduras literally states that "the human person is the supreme purpose of the society and of the State. Everyone has an obligation to respect and protect the human person."

As a national security institution, the General Directorate for Migration and Aliens is involved in various activities in coordination with other institutions. It provides support in investigating and prosecuting offences relating to trade and trafficking in migrants; protects unaccompanied foreign minors; assists returning Honduran migrants; supports the Secretariat of Foreign Affairs in repatriating injured migrants or the remains of migrants deceased abroad; and assists migrants whose migratory status is irregular, providing shelter, food, health and communication services to the respective diplomatic or consular offices of their home countries, documentation and prompt resolution of migration cases, and services for aliens.

Likewise, all administrative measures carried out by the authorities of the General Directorate for Migration and Aliens, or by any other institution involved in the process of resolving migratory and other related issues, are executed in strict conformity with the law, taking full account of the inviolability of the human rights of the migrant, without regard to nationality, language, religion, race, gender, etc.

Moreover, we believe that the United Nations has at its disposal a variety of legal instruments that have been adopted and endorsed by Member States with a view to protecting and respecting the human rights of migrants in general, given that all migrants are vital to the development of their countries of origin and destination. However, many Member States fail to abide by these provisions and, instead, enact migration, labour and other forms of legislation that violate the human rights of migrants and their families, adopting such measures as mass deportations, prohibitions on migrant labour, criminalizing migration offences in certain legal systems in the full knowledge that they are administrative offences, separating nuclear families (mother and child from the spouse), paying salaries below the established scales, physical and moral mistreatment; humiliation and attacks on personal dignity, discrimination and violation of the rights of migrants in criminal, administrative and judicial proceedings, and open expressions of xenophobia on the part of migration authorities and police, inter alia.

The dignity of the human being is inviolable.

In order to guarantee the rights and freedoms recognized in this Constitution, the Office of the National Commissioner for Human Rights was established.

The organization, prerogatives and powers of the National Commissioner for Human Rights will be the subject of a special law.

The Constitution of the Republic of Honduras also establishes a wide range of civil, political, individual and all other human rights, which are exercised by Honduran and foreign nationals regardless of their migratory status, in strict compliance with the administrative regulations that govern a State that operates under the rule of law.

As a State, Honduras has and will continue to respect the human rights of migrants, given that the current Act on Migration and Aliens is rather open in terms of respect for the rights of migrants, to the point that even if a person does not meet the requirements to obtain one of the forms of migration status set forth in the Act, he or she has the opportunity to opt for a migration status for "humanitarian reasons". That status allows the person to continue protecting their minor children or spouse who is a Honduran national, gain access to health care and education and enjoy all the rights granted in the Constitution and domestic legislation under the same conditions as nationals, regardless of their migratory status; the State believes that the dignity of the person outweighs any other legal consideration.

In the international arena, Honduras is aware of the obligations set out in international conventions, treaties and covenants ratified by the State concerning the rights and protection of migrants. Responsibility for the implementation of those instruments and the execution of the required processes set out in the international instruments mentioned in General Assembly resolution 67/172, in addition to implementing various conventions on migrants in general and on their families, falls to various State institutions.

In light of the foregoing, we would very much welcome the establishment of special commissions to monitor the actions taken by States parties to respect, in the truest sense of the word, the human rights of migrants, regardless of their migratory status, race, religion or other considerations.